

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL RODIO,

Plaintiff,

v.

R.J. REYNOLDS TOBACCO COMPANY,

Defendant.

Civil Action No. 04-CV-10006-JGD

DEFENDANT'S MOTION TO STRIKE  
PORTIONS OF PLAINTIFF'S SUMMARY JUDGMENT OPPOSITION

Defendant R. J. Reynolds Tobacco Company hereby moves for an order striking the following from Plaintiff's Memorandum in Support of His Opposition to Defendant's Motion for Summary Judgment: (1) the entire section entitled "Decision of the Mass. [sic] Department of Labor and Work Force Development, Division of Employment and Training," pp. 14-17; and (2) Exhibit G. The reasons for the Defendant's Motion are set forth in the accompanying Memorandum of Law in Support of Defendant's Motion to Strike Portions of Plaintiff's Summary Judgment Opposition.

Respectfully submitted,

R.J. REYNOLDS TOBACCO COMPANY

By its attorneys,

/s/ Mark H. Burak

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Dated: September 29, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on September 29, 2005

/s/ Mark H. Burak